

UNITED STATES DISTRICT COURT

for the

SOUTHERN

United States of America

v.

MEDINA, Maria DelaLuz

Defendant(s)

Case No. C-15-628M

Clerk, U.S. District Court
Southern District of Texas
FILED

MAY 21 2015

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 5/20/2015 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841(a)(1)

Knowingly, intentionally and unlawfully
possess with intent to distribute a
controlled substance in Schedule II of
the Controlled Substance Act of 1970 to
wit: 13.54 kilograms (AGW) of Cocaine, &
1.34 Kilograms of Methamphetamine.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Cris Gracia Pendleton, Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/21/2015

Judge's signature

B. Janice Ellington US Magistrate Judge

Printed name and title

City and state: Corpus Christi, Texas

ATTACHMENT "A"

MEDINA, Maria De la Luz

On May 20, 2015, Border Patrol Agent (BPA) Gerardo Ibarra was working his assigned immigration inspection duties at the United States Border Patrol Checkpoint located 13 miles south of Falfurrias, Texas, on Highway 281. Maria De la Luz MEDINA and Armando RUIZ Jr were arrested for being in possession of 13.54 kg of cocaine and 1.34 kg of methamphetamine.

At approximately 11:30 a.m. a black Chevrolet Silverado displaying Texas License Plate FFG 4810 approached the primary inspection lane. As the vehicle approached BPA Ibarra's location, BPA Ibarra noticed two visible occupants. BPA Ibarra asked the driver, later identified as Maria De la Luz MEDINA if she was a United States Citizen. MEDINA answered "Yes". BPA Ibarra asked MEDINA where they were headed to, MEDINA answered that they were on their way to Corpus Christi. BPA Ibarra then asked the passenger, Armando RUIZ Jr, if he was a United States Citizen, RUIZ answered "Yes". As BPA Ibarra had asked his questions, BPA Ibarra noticed that MEDINA turned her head in an over exaggerated manner from looking at BPA Ibarra to looking at RUIZ, as if to see what RUIZ's responses were. BPA Ibarra asked MEDINA what was their purpose of going to Corpus Christi; MEDINA answered that they were on their way to buy some tires for her tire shop. BPA Ibarra asked MEDINA if that was something that she did on a regular basis, MEDINA answered that she would usually go to Corpus Christi once a month.

BPA Ibarra asked MEDINA what her relationship was to RUIZ, MEDINA answered that he was her employee and was going along to help her out. As MEDINA continued answering BPA Ibarra's questions, BPA Ibarra could clearly see how her lower jaw would quiver as she spoke. BPA Ibarra asked MEDINA if it was her shop, and if it was what the name of it was. MEDINA answered that it was her shop and that she had owned it for approximately ten years and that the name of it was "Medinas". As MEDINA answered BPA Ibarra's questions, BPA Ibarra could see that her facial demeanor went from a smile to a worried look on her face. As the vehicle stopped in front of BPA Ibarra. BPA Ibarra noticed a strong aroma of car freshener, which is common in vehicles used during illicit activity to mask the odor of narcotics. Due to MEDINA's behavior which BPA Ibarra interpreted as nervousness, and the aroma emitting from the vehicle, BPA Ibarra felt that she was possibly involved in criminal activity which led BPA Ibarra to ask MEDINA if she could park the vehicle in the secondary inspection area for a further check. MEDINA agreed and proceeded to park in the secondary inspection area.

Once in the secondary inspection area, MEDINA and RUIZ were directed to have a seat on a bench. BPA Ibarra asked Agent Jorge Garcia if he could use his service canine "Dialo" to conduct a systematic search of the exterior of the vehicle. Agent Garcia conducted a systematic search using "Dialo" with negative findings.

Due to MEDINA's continued nervousness, the appearance of the vehicle, and agents who conducted a criminal search of both MEDINA and RUIZ finding both had prior arrests for drug charges, BPA Ibarra suspected the vehicle might be concealing contraband. Unsatisfied with the initial findings, BPA Ibarra asked Agent Francisco Carriaga if he and his service canine could conduct a search of the vehicle that BPA Ibarra had directed to secondary. Agent Carriaga

proceeded to conduct a systematic search of the vehicles exterior using his service canine "Laika". While conducting the search, Agent Carriaga found bundles in the right front passenger wheel well. One bundle was probed revealing a white powdery substance consistent with the properties of cocaine. A total of 12 bundles weighing 13.54 Kilograms of cocaine were found. An additional 2 bundles of methamphetamine wrapped in foil and tape were found and removed from the front passenger side fender weighing 1.34 kilograms.

At this time MEDINA and RUIZ were placed under arrest for possession of cocaine and methamphetamine.

BPA Ibarra advised MEDINA of her MIRANDA RIGHTS in her preferred language of English with Border Patrol Agent Alexander Forbes witnessing the reading and signing of the form. MEDINA signed the form accordingly indicating that she understood her rights. MEDINA stated she was not willing to make a statement without a lawyer present. No further questions were asked.

I advised RUIZ of his MIRANDA RIGHTS in his preferred language of English with Border Patrol Agent Alexander Forbes witnessing the reading and signing of the form. RUIZ signed the form accordingly indicating that he understood his rights. RUIZ stated he was willing to make a statement without a lawyer present. MEDINA shows to have been previously arrested by Border Patrol for attempting to smuggle marijuana and methamphetamine, refer to event FLF140000255.

RUIZ stated that he has been working with MEDINA for approximately one year. RUIZ states that yesterday (05/19/2015) MEDINA asked him if he wanted go with her to Corpus Christi to help her buy some tires. RUIZ stated that this is the first time MEDINA has asked him to go with her and knows that she usually has her brother go with her. RUIZ stated he did not think much of it and agreed to go. On today's date, RUIZ states MEDINA called him and asked him if he was ready to go, RUIZ states he told her he was ready and MEDINA proceeded to drive to his home in Palm view and pick him up at approximately 8:30 AM. Once he was picked up, RUIZ states they went to fuel up and then to eat at Jack in the Box. Once they were done they proceeded to drive north towards the Falfurrias Checkpoint. No further information was provided. RUIZ freely and willingly admitted to being an active Valluco gang member.

A total of 13.54 kilograms of cocaine was removed from the vehicle.
A total of 1.34 kilograms of methamphetamine was removed from the vehicle.

On May 20, 2015 TFO C. Brosig and TFO R. Ramirez arrived at the Falfurrias USBP Checkpoint. TFO Brosig read Maria DelaLuz MEDINA her Miranda Rights. MEDINA stated that she understood her rights and was willing to answer questions. MEDINA stated that she was taking two (2) items to San Antonio, Texas, but did not know what it was MEDINA did not want to elaborate with regards to what the items were. MEDINA then stated she did not want to speak to Agents any further. Interview was terminated and no further questions with regards to the cocaine or methamphetamine were asked. TFO Brosig then brought in RUIZ, Armando Jr. TFO Brosig read RUIZ his Miranda Rights as witnessed by TFO Ramirez. RUIZ agreed to answer questions after advising verbally and in writing that he understood his rights. RUIZ

stated that he is an employee for MEDINA at her tire shop in Edinburg. According to RUIZ on 05/19/15 MEDINA asked RUIZ if he would go with her to Corpus Christi Texas the next morning to help pick up tires for the shop. RUIZ was picked up at his residence by MEDINA in her black chevy pickup at approximately 10:15 am. They then drove to the Jack In The Box on 23rd street in Edinburg and had a quick breakfast. They then went across the street to a Stripes convenience store for fuel. RUIZ stated that they then departed for the checkpoint and when they arrived they were taken into custody. RUIZ stated that he had no knowledge of what was going on and if he did he would not have taken the trip. He stated that he believed this to be a legitimate job as they had also gone by the shop for him to clock in.

AUSA Hugo Martinez was contacted and verbally authorized federal prosecution of Maria DelaLuz and the release of Armando RUIZ, Jr.

MEDINA was transported to the Coastal Bend Detention Center for overnight detention.

The amount of cocaine seized 13.54 Kilograms and 1.34 Kilograms of methamphetamine infers intent to distribute.